

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



# COMMUNITY CARE LICENSING DIVISION



## UPDATE

**December 2006***To the Child Care Community*

Can you believe that it is 2007 already? We are in the fourteenth year of our efforts to keep the child care community informed about licensing programs and services. The Updates continue to be an important method for sharing information. We appreciate your support in sharing these Updates with those in your organization, and others interested in child care issues.

The Updates are now available online and can be viewed or obtained at:

[http://www.cclid.ca.gov/CommunityC\\_1726.htm](http://www.cclid.ca.gov/CommunityC_1726.htm).

You can find the topic of your choice in each Update without having to scroll down. Just put your cursor over the blue highlighted subject heading that you wish to review, hold down the control and shift buttons at the same time, and you will be taken to that area of the Update. Below is the Topic Index:

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### **CHAPTERED LEGISLATION**

Three bills that affect Child Care Centers (CCC) and Family Child Care Homes (FCCH) were passed by the Legislature and approved by the Governor in 2006. The following is an advance copy of the 2006 Child Care Chaptered Legislation and Implementation Plan. The provisions of these bills are effective January 1, 2007. A complete summary and implementation plan for each of these bills is available on the California Department of Social Services' (CDSS) Community Care Licensing Division (CCLD) website at: <http://ccl.dss.cahwnet.gov/res/pdf/06apx21.pdf>.

**NOTE:** All references to "Licensee" include persons authorized to act on behalf of the licensee.

### **AB 633 (BENOIT), CHAPTER 545, STATUTES OF 2006**

**Affects:** Child Care Facilities

**Subject:** Child Care Facilities: Parent Notification Requirements

**Summary:** This bill amends Health and Safety Code (HSC) sections 1596.859, 1596.8595, 1596.8895, and 1597.05 to improve the transparency of licensing records and to ensure that parents/guardians using a licensed child care facility (CCC or FCCH) are aware of situations that present the greatest danger to children. These situations

include:

- Serious health and safety violations resulting in Type A citations;
- Non-compliance conferences; or
- Efforts by the CDSS to revoke a facility's license.

#### DOCUMENTS TO BE MADE ACCESSIBLE TO THE PUBLIC

Current law requires each licensed child care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit, or a substantiated complaint investigation.

This bill requires each licensed child care facility to also make accessible to the public a copy of *other public licensing documents* pertaining to the facility that document:

- A conference with a local licensing agency management representative and the licensee in which issues of noncompliance are discussed; or
- A copy of an Accusation indicating the CDSS' intent to revoke the facility's license.

As with an individual licensing report, these "*other licensing documents*" shall not be required to be maintained beyond 3 years from the date of issuance and shall not include any non-public (confidential) information.

#### RESOURCE and REFERRAL and ALTERNATIVE PAYMENT PROGRAM ADVISEMENT FORM

Current law requires every child resource and referral program and alternative payment program shall advise every person who requests a child care referral, of his or her right to the licensing information of a licensed child care facility *required to be maintained at the facility*, and the right to access any public files that are *maintained by the CDSS'* CCLD.

This bill changes the advisement to:

"As a parent, you have the right to get information about any substantiated or inconclusive complaints about a child care provider that you select for your child. That information is public and you can get it by calling the local licensing office. This telephone number is \_\_\_\_\_."

#### POSTING and DOCUMENTS TO BE PROVIDED TO PARENTS/GUARDIANS

Currently, upon receipt, each licensed child care facility must *post* a copy of any licensing report pertaining to the facility that documents:

1. A Type A citation which is a violation that, if not corrected, will create an immediate risk to the health, safety, or personal rights of children in care.

2. A licensing report or other appropriate document verifying compliance or noncompliance with the CDSS' order to correct a Type A deficiency.

Each of these reports shall remain posted for 30 days. FCCHs shall post during hours of operation.

Failure to meet the posting requirements shall result in an immediate \$100.00 civil penalty.

This bill requires that, upon receipt, a licensed child care facility shall provide to the parents or guardians of each child receiving services in the facility:

1. Copies of any licensing report that documents any Type A citation. This includes facility visits and substantiated complaint investigations.
2. Any licensing documents pertaining to a conference conducted by a local licensing agency management representative with the licensee in which issues of noncompliance are discussed.
3. Copies of a summary of an accusation indicating the CDSS' intent to revoke the license, until that accusation is either dismissed or resolved through the administrative hearing process or stipulated agreement.
4. Copies of any of the above licensing documents that the licensee has received in the prior 12-month period shall be provided to the parents of newly enrolling child, upon enrollment.

The licensee shall require each recipient of a licensing report documenting a Type A citation resulting from a compliant investigation and any licensing document pertaining to a conference, and any summary of an accusation indicating the CDSS' intent to revoke a license, to sign a statement indicating that he or she has received the documents and the date they were received.

The licensee shall keep verification of receipt in each child's file.

#### ADMINISTRATION OF CCCs

CCC director orientation:

Within 90 days of employing a new facility director, a licensee shall secure verification that the facility director has completed an orientation given by the CDSS and shall maintain a copy of that verification.

## **AB 2196 (SPITZER) CHAPTER 211, STATUTES OF 2006**

**Affects:** Child Care Facilities

**Subject:** Information Regarding Registered Sex Offenders

**Summary:** This bill amends HSC section 1596.857 to require a notice stating that the registered sex offender database is available to the public at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) maintained by the California Department of Justice (DOJ). This information is to be

included on the Notification of Parents' Rights Posters and the Notification of Parents' Rights Forms for both FCCH and CCC. Licensees are not required to provide any additional information regarding the proximity of registered sex offenders who reside in the community where the child care facility is located.

The DOJ website provides names and/or addresses of registered sex offenders. Providing the information about the DOJ website to parents/guardians of children in care shall not subject the provider to any liability or cause of action against the provider by a registered sex offender identified in the database.

## **AB 2865 (TORRICO) CHAPTER 470, STATUTES OF 2006**

**Affects:** Child Care Facilities

**Subject:** Healthy Schools Act Pesticide Use Requirements

**Summary:** This bill amends Sections 17609, 17610, 17610.1, and 17612 of the Education Code; amends Sections 13181, 13183, 13185, and 13186 of the Food and Agricultural Code; amends Section 1596.845 of the HSC and adds Section 1596.794 to the HSC.

The Education Code is amended to expand the definition of "school site" to include licensed child care facilities (as defined this includes CCCs, employer-sponsored CCCs, and FCCHs) for purposes of the Healthy School Act (HSA) of 2000. For child care facilities, the CDSS shall serve as liaison to these facilities, as needed.

The purpose of the HSA is to facilitate the adoption of effective least toxic pest management practices at school sites in order to reduce children's exposure to toxic pesticides. This also includes the voluntary adoption of integrated pest management (IPM.)

IPM is defined as a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of actions such as monitoring for pest presence, using non-chemical practices in areas where pests are usually found to make the area less attractive to pest development, and improving sanitation. Pesticides used should only be those that pose the least possible hazard and are effective in a way that minimizes risks to people, property, and the environment.

### **What the Education Code Requires of CCCs:**

Education Code Sections 17610 – 17612, inclusive, shall not apply to FCCHs or property owners of FCCHs or their agents who personally apply any pesticides.

- Notification. Each CCC must provide annual written notification with specified information on pesticides to all staff and parents. The notice must also include the Department of Pesticide Regulation's (DPR) IPM website [www.schoolipm.info](http://www.schoolipm.info)

- Registry. Each CCC must provide the opportunity for interested staff and parents to register with the facility if they want to be notified about individual pesticide applications at the school site before they occur.
- Warning signs. CCCs must post warning signs at each area of the facility where pesticides will be applied. These signs must be posted 24 hours before and 72 hours after applications.
- Recordkeeping. Each CCC must maintain records of all pesticide use at the facility for four years and make the records available to the public upon request.
- Pesticide prohibition. The use of certain pesticides is prohibited at school sites. For a list of prohibited pesticides go to [www.schoolipm.info](http://www.schoolipm.info) and click on "AB 405 List of Prohibited Pesticides".
- IPM coordinators. Each CCC must designate an IPM coordinator to carry out these requirements.

If pesticide is applied by a property owner or his agent, or by a pest control operator, and they failed to provide notice to the CCC facility this shall relieve a privately operated CCC facility from the requirements of Education Code Section 17612.

#### **What the Food and Agriculture Code Requires of CCCs:**

CCCs which are subject to the HSA shall inform contractors hired to apply pesticides at the center that the facility must comply with the HSA. Any person hired to apply pesticides at a CCC shall provide the facility with certain listed information at least 120 hours in advance of any pesticide application.

**NOTE:** The CDSS, CCLD is **NOT** responsible for enforcing the provisions listed above. However, CDSS shall serve as the liaison to these facilities "as needed". (See amendments to Ed Code Section 17609(e) and addition of HSC Section 1596.794).

#### **What the DPR Does:**

- DPR is required to promote and facilitate the voluntary adoption of IPM programs at child day care facilities, including CCCs and FCCHs through:
  - (1) Modifying the CDSS' existing integrated pest management program for school sites for the child day care setting;
  - (2) Creating or modifying existing educational and informational materials on IPM for the CCC setting;
  - (3) Making the materials available to CCC facilities and establishing a process for systematically updating them.
- The DPR is required to prepare a school site pesticide use reporting form to be used by licensed pest control businesses when they apply pesticides at a CCC. Licensed pest control businesses also must submit the form to DPR at least annually when they apply pesticides at a CCC. To download the form go to [www.cdpr.ca.gov](http://www.cdpr.ca.gov), click on "Forms" in the "Quick Finder," then on "Pesticide Use Reporting."

- DPR is required to establish and maintain the IPM web site with information on pesticide products; a directory of resources describing and promoting least-hazardous pest management practices; and ways to reduce the use of pesticides at child day care facilities.
- DPR is required to offer training on the HSA and IPM to “school sites” including CCCs and FCCHs.

#### **What The Law Requires of FCCH Licensees:**

- Prior to applying for a FCCH license, prospective applicants shall attend an orientation provided by the CDSS and receive information about the HSA and IPM.
- Attendance at training on HSA and IPM practices developed by DPR is voluntary.

#### **What the CDSS Is Required To Do:**

- Serve as a liaison to child care facilities as needed.
- Provide information about the HSA and IPM at FCCH and CCC orientations for potential applicants.

## **CAREER OPPORTUNITY WORKING IN AGENCY THAT LICENSES OUT-OF-HOME CARE**

The CDSS' CCLD is announcing the current ***testing for the Licensing Program Analyst (LPA) classification***. Applications must be **postmarked no later than January 8, 2007**. The written exam is scheduled in March 2007.

Information about the exam may be obtained at the State Personnel Board website (<http://jobs.spb.ca.gov/openxrd.cfm?exc=6BP25>) or by contacting any local licensing office. Individuals who are on the current hiring list must re-apply and re-take the exam to remain eligible for appointment. Applications for the current exam can be submitted to:

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES  
P. O. BOX 944243 MS 15-59  
SACRAMENTO, CA 94244-2430**

Note: The LPA classification is tested for on a continuous basis with examinations scheduled on an annual basis. Applications may be filed after the deadline, however, they will be held until the next examination is scheduled.

Information About the LPA Classification:

- ☆ In California, there are over 80,000 licensed facilities which provide community based out-of-home care for over a million children and dependent adults. Clients in these facilities are some of the most vulnerable and most in need of protection.
- ☆ Client groups include children in child day care and foster care, mentally disordered and developmentally disabled children and adults, and the frail elderly.
- ☆ Professionals within the CCLD are charged with monitoring these facilities in order to protect the health and safety of the clients in care. LPAs are assigned to caseloads in specific geographic areas and normally provide all licensing services to facilities in their areas. LPAs routinely visit facilities and monitor conditions to ensure that clients receive quality services and are not at risk.
- ☆ Licensing offices are assigned by program, with specialties including child care, foster care, adult care and senior care.
- ☆ Licensing professionals work with placement agencies, client advocate groups, law enforcement, other community groups and the public to issue licenses to operate care facilities, monitor the care provided, respond to complaints of violations including client abuse and neglect, and work with CDSS' attorneys to close sub-standard operations.
- ☆ There are over 500 LPA positions located in Regional Offices throughout the State. Salaries range from \$2648 to \$4707 monthly.

## **FIRE SAFETY REMINDERS**

All too often, we read about a fire and the devastation to life and property it can cause in just a matter of minutes. With this in mind, the following items should be reviewed as part of your facility safety check:

1. Make sure that all smoke detectors are operating. Batteries should be replaced every six months.
2. Fire extinguishers should be checked for expiration or annual maintenance due dates.
3. Staff should know where extinguishers are located and how to use them.

When using a portable or a space heater in a CCC or FCCH you must ensure it is operated in a safe manner. It is important to exercise caution when operating any type of portable or space heater. A portable or space heater must be UL listed or approved. When purchasing a portable or space heater, select only ones that have a type of coating that will not get hot to the touch, otherwise they must be made inaccessible to children in care to protect their health and safety. Here are some guidelines for the safe use of heaters:

- Keep portable heaters at least three feet away from curtains, bed linens, and combustible materials.



- Do not use portable heaters with extension cords (including power strip cords).
- Portable heaters must not be used to dry articles of clothing or other items.
- Place heaters on the floor only and not on top of tables or other furniture.
- Be sure portable heaters are securely positioned so they won't topple over. Some newer models have an automatic shut-off when toppling occurs.
- Ensure the heater does not become so hot it will burn or injure a child.

For further fire safety information, please contact your local fire department or the Office of the State Fire Marshall at (916) 445-8200. Remember, all facilities must be maintained in conformity with the regulations adopted by the State Fire Marshall for the protection of life and property against fire.

## **LICENSED CHILD CARE STATISTICS**

Enclosed are the most recent statistics on licensed child care facilities and capacities. Further breakouts by category and location are available.

## **SUMMARY**

If you have questions about items included in this Update, or suggestions for future topics, please contact Gloria Merk, Program Administrator, Child Care Program Office, at (916) 229-4500. You may also visit our internet website at [www.cclcd.ca.gov](http://www.cclcd.ca.gov) to obtain copies of licensing Updates, office locations, provider letters, regulations, forms, the Licensing Evaluator Manual, or to learn more about licensing programs and services.

Sincerely,

***(original signed by Jeff Hiratsuka for Jo Frederick)***

JO FREDERICK

Deputy Director

Community Care Licensing Division

Enclosures

**Community Care Licensing Division  
Licensed Child Care Facilities**

**December 1, 2006**

<b>Facility Type</b>	<b>Total Capacity</b>	<b>Total Licensed Facilities</b>
<b>Family Child Care Home*</b>	<b>423,808</b>	<b>44,675</b>
<b>Infant Center</b>	<b>40,862</b>	<b>1,855</b>
<b>Child Care Center</b>	<b>558,558</b>	<b>10,247</b>
<b>Child Care Center - School Age</b>	<b>152,307</b>	<b>2,851</b>
<b>Child Care Center - Mildly III Children</b>	<b>78</b>	<b>8</b>
<b>Total</b>	<b>1,175,613</b>	<b>59,636</b>

**\*NOTE:** This includes facilities licensed by both the state and those counties which license Family Child Care Homes. County licensed statistics are through 6/06 per most recent report from Research and Development Division.